Basic information

2000/0813(CNS) CNS - Consultation procedure Decision	Procedure completed
Freedom, security and justice: standing of victims in criminal procedures. Framework Decision. Initiative Portugal Repealed by 2011/0129(COD) Repealed by 2023/0250(COD) **Subject** 7.40.04 Judicial cooperation in criminal matters	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Citizens' Freedoms and Rights, Justice and Home Affairs	CERDEIRA MORTERERO Carmen (PSE)	14/09/2000

Committee for opinion	Rapporteur for opinion	Appointed
JURI Legal Affairs and Internal Market	LEHNE Klaus-Heiner (PPE-DE)	17/10/2000
FEMM Women's Rights and Equal Opportunities	SMET Miet (PPE-DE)	14/09/2000

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	2288	2000-09-28
Justice and Home Affairs (JHA)	2337	2001-03-15

Key events

Date	Event	Reference	Summary
20/07/2000	Legislative proposal published	09650/2000	Summary
04/09/2000	Committee referral announced in Parliament		
28/09/2000	Debate in Council		Summary
23/11/2000	Vote in committee		Summary
23/11/2000	Committee report tabled for plenary, 1st reading/single reading	A5-0355/2000	
11/12/2000	Debate in Parliament		

12/12/2000	Decision by Parliament	T5-0550/2000	Summary
15/03/2001	Act adopted by Council after consultation of Parliament		
15/03/2001	End of procedure in Parliament		
22/03/2001	Final act published in Official Journal		

Technical information

Procedure reference	2000/0813(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Decision
Amendments and repeals	Repealed by 2011/0129(COD) Repealed by 2023/0250(COD)
Legal basis	Treaty on European Union (after Amsterdam) M 031- Treaty on European Union (after Amsterdam) M 034-p2b
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/5/13498

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0355/2000 OJ C 232 17.08.2001, p. 0007	23/11/2000	
Text adopted by Parliament, 1st reading/single reading		T5-0550/2000 OJ C 232 17.08.2001, p. 0036-0072	12/12/2000	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	07797/2000	14/04/2000	Summary
Legislative proposal	09650/2000 OJ C 243 24.08.2000, p. 0004	20/07/2000	Summary

European Commission

Document type	Reference	Date	Summary
Follow-up document	COM(2004)0054	03/03/2004	Summary
Follow-up document	COM(2009)0166	20/04/2009	Summary
Follow-up document	SEC(2009)0476	20/04/2009	

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Final act	
Justice and Home Affairs act 2001/0220 OJ L 082 22.03.2001, p. 0001	Summary

Freedom, security and justice: standing of victims in criminal procedures. Framework Decision. Initiative Portugal

2000/0813(CNS) - 15/03/2001 - Final act

PURPOSE: to establish provisions on the standing of victims in criminal proceedings. COMMUNITY MEASURE: Council Framework Decision 2001/220 /JHA on the standing of victims in criminal proceedings. The Council adopted a Framework Decision on the standing of victims in criminal proceedings, following an initiative of the Portuguese Republic. The Framework Decision provides in particular that : - Member States should approximate their laws and regulations to the extent necessary to attain the objective of affording victims of crime a high level of protection, irrespective of the Member State in which they are present. - Victims' needs should be considered and addressed in a comprehensive, co-ordinated manner, avoiding partial or inconsistent solutions which may give rise to secondary victimisation. The provisions of this framework Decision are therefore not confined to attending to the victim's interests under criminal proceedings proper. They also cover certain measures to assist victims before or after criminal proceedings, which might mitigate the effects of the crime. - Measures to assist victims of crime, and in particular the provisions regarding compensation and mediation do not concern arrangements under civil procedure. - The rules and practices as regards the standing and main rights of victims need to be approximated, with particular regard to the right to be treated with respect for their dignity, the right to provide and receive information, the right to understand and be understood, the right to be protected at the various stages of procedure and the right to have allowance made for the disadvantage of living in a different Member State from the one in which the crime was committed. ENTRY INTO FORCE: The Framework Decision entered into force on 22 March 2001. The majority of the provisions are required to be transposed into national legislation by 22 March 2002. However, the provisions relating to mediation procedures have to enter into force no later than 22 March 2006. The measures regarding communication safeguards and specific assistance to the victim shall enter into force no later than 22 March 2004. It should also be noted that this Framework Decision also applies to Gibraltar.

Freedom, security and justice: standing of victims in criminal procedures. Framework Decision. Initiative Portugal

2000/0813(CNS) - 12/12/2000 - Text adopted by Parliament, 1st reading/single reading

The European Parliament approved the text drafted by Mrs Carmen CERDEIRA MORERERO (PES, E) together with a number of amendments. (Refer to the previous document for a guideline of the amendments tabled by the committee responsible and which were subsequently approved by the House).

Freedom, security and justice: standing of victims in criminal procedures. Framework Decision. Initiative Portugal

2000/0813(CNS) - 03/03/2004 - Follow-up document

Article 18 of the Council Framework Decision on the standing of victims in criminal proceedings requires the Commission, based on information received from the Member States, to prepare a report on the implementation of the Framework Decision into national law. The Commission Report is then to be forwarded to the Council for further consideration and consultation. Based on the contents of the Report the Council will need to evaluate the extent to which Member States have adopted the rules necessary to conform to the Framework Decision. This Commission Communication is the result of the obligations specified in Article 18. The Commission laments the late and, in some cases incomplete, responses it received from the Member States - this in spite of the deadline being extended. At the time the Report was drafted only ten Member States had sent "relatively" complete

contributions on the implementation of the Framework Decision into national legislation. Denmark sent no contribution. The Commission states therefore that the analysis is fragmentary. When evaluating the implementation of the Framework Decision the Commission recognises the subtle, yet distinct, difference between the implementation requirements of a Framework Decision and a Directive. The general objective of the Framework Decision is to guarantee that victims throughout the EU have access to a comparable high level of protection; irrespective of the Member State is which they are present. Member States must therefore seek to approximate their rules and practices as regards the standing and rights of victims with particular regard to the right to be treated with respect for their dignity, the right to provide and receive information, the right to understand and be understood, the right to be protected at the various stages of procedure and the right to have allowance made for the disadvantage of living in a different Member State from the one in which the crime was committed. Based on the replies it received from the Member States the Commission Communication evaluates step-by-step, article-by-article, the ways in which Member States have sought to approximate their rules and provisions to the objectives set out in the Framework Decision. Having examined in detail, which Member States have implemented correctly, or otherwise, their obligations under the Framework Decision, the Commission, in its overall conclusions, suggests that the evaluation is superficial in nature - thanks in large part to the incomplete responses received. Nevertheless, this superficial impression made it possible to conclude that the correct state of transposal of the Decision is unsatisfactory. At the same time however, the Commission recognises that in certain Member States, such as France and Luxembourg, the transposal process is already in hand for some of the provisions. For example, France has notified a programme of fourteen victim-related measures that are to be developed over the next five years. In addition, the Commission accepts that the nature of the Decision leaves Member States considerable room for manoeuvre, making it difficult for the Commission to assess whether it has been properly transposed or not. In order not to repeat delays inthe following Report the Commission invites Member States to ensure a rapid and complete transposal of the Framework Decision and to inform it of this immediately, no later than 15 March 2004 providing a description of the measures taken.

Freedom, security and justice: standing of victims in criminal procedures. Framework Decision. Initiative Portugal

2000/0813(CNS) - 14/04/2000 - Document attached to the procedure

This document comprises an explanatory note from the Portuguese Republic regarding its initiative for a Framework Decision on the standing of victims in criminal procedure. The proposed Framework Decision has its origins in the provisions in the Treaty on European Union relating to an area of freedom, security and justice, the Action Plan of the Council and the Commission on how best to implement the Treaty's provisions on these aspects, and the Commission's July 1999 Communication entitled 'Crime victims in the European Union: reflection on standards and action'. The guiding principles followed in drawing up the draft Framework Decision have been to: - focus on addressing the basic issue for citizens of access to justice as regards the standing of victims in criminal procedure and related matters; - take an initiative by way of a proposal for a Framework Decision as the form best suited to a subject involving per se the need for approximation of legislative and regulatory provisions; - find some initial common ground on the type of initiative, the need for it and its scope, as done form January 2000 onwards in liaison with Portugal's three successors in the Presidency, the Commission, the General Secretariat of the Council and the European Forum for victim support groups. The results of the strategy established show that: 1) the importance of an integrated approach to the issue of victims in the context of access to justice have been pointed out and acknowledged, leaving the alternative of putting forward individual proposal to resolve problems faced by victims, which would in particular fail to live up to the decisions taken in Tampere; 2) in this context, in the course of criminal procedure and directly related aspects, the proposals put forward are designed to address the points identified as essential to a proper response to victims' needs; 3) all the subjects identified by the Commission communication as needing to be addressed have been covered as part of a consistent approach to the need for approximation of laws and regulations. The main provisions of the proposal for a Framework Decision deal with: - the treatment of victims with respect and dignity at all levels of the criminal procedure, incluing the protection of their privacy and safety, - the availability of contact persons in court to assist victims and witnesses with matters in relation to the procedure and/or, depending on the jurisdiction, other services available for support and advice, bearing in mind also the requisite cooperation of victim support groups and the need for 'procedure' to be broadly construed, - making it possible for a foreign victim to participate adequately in a procedure, - the availablity of court premises, such as separate waiting rooms, assuring that a victim or witness does not have to confront the offender more than necessary, - the restitution of stolen property to victims as early as possible, - additional research and experiments in victim-offender mediation with evaluation of the particular interests of victims, as well as practical arrangements for mediation. The approach taken to the issue of victims throughout the draft Articles stems from the realisation that, in dealing with the position of victims generally in criminal procedure and particularly victims resident in another country, there can be no getting away from the central focus on victims as individuals and on what they go through in relation to the responses which they receive, in various ways, from various sources, before reporting an offence, in the course of procedure and at the enforcement stage after judgment has been given. Hence the importance attached in the draft to the involvement of victim support groups, training of personnel coming into contact with victims, networks of contact points, specific aspects of compensation in criminal procedure, without seeking to deal exhaustively with this subject, which needs to be covered in full separately, and the use of mediation in procedure.

Freedom, security and justice: standing of victims in criminal procedures. Framework Decision. Initiative Portugal

2000/0813(CNS) - 20/04/2009 - Follow-up document

This report from the Commission is pursuant to Article 18 of the Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings (2001/220/JHA).

According to Council Framework Decision 2001/220/JHA on the standing of victims in criminal proceedings, the Commission is required to draw up a report on the implementation measures taken by Member States. The Commission published a first report in February 2004 which examined transposition as of 25 March 2003 when only Austria, Belgium, Finland, Germany, Italy, Ireland, Luxembourg, Portugal, Spain and Sweden had sent relatively complete contributions on transposition into their national legislation.

This final report takes into account implementation of all Articles of the Framework Decision as at 15 February 2008 in all 27 Member States.

State of transposition: despite Article 18 laying down an obligation for Member States to submit implementing legislation to the Commission by 22 March 2006, in November 2007 only 13 Member States (Austria, Denmark, Germany, Spain, Luxembourg, the Netherlands, Portugal, Sweden, the UK, the Czech Republic, Hungary, Lithuania and Poland) had sent relatively complete contributions. The Commission sent reminders to Member States and the final deadline was set at 15 February 2008. This report is based on the transposition situation on 15 February 2008, almost two years after the 22 March 2006 deadline.

Two Member States (Malta and Greece) did not submit legislation and, therefore, the Commission cannot assess whether they have implemented the Framework Decision.

Latvia sent a set of national provisions in Latvian on 12 December 2007 and further provisions on 6 March 2008 (after the deadline), without a description of the national implementing measures or explanatory notes. Therefore, the Commission cannot assess whether Latvia has fulfilled the obligation as set out in Article 18. Other Member States submitted national provisions that purport to implement the Framework Decision, in full or in part. Luxembourg informed the Commission that the Bill referred to in the first report has still not become law. It will not be taken into account in the assessment of the implementation by Luxembourg. The UK states that it covers England, Wales, Scotland and Northern Ireland, but the UK sent an additional contribution regarding transposition in Scotland (the Scottish system is mentioned specifically where it differs from the general provisions for the rest of the UK).

No Member State transposed the Framework Decision in a single piece of national legislation. Member States all relied on existing provisions and many referred to their Code of Criminal Procedure for transposition. A few adopted new legislation covering one or more Articles. Many Member States submitted non-binding codes, Instructions and charters in lieu of legislation. Moreover, several Member States have covered the provisions piecemeal by virtue of overlap with a variety of existing national provisions or newly adopted national provisions.

Main conclusions of the report: the Commission report concludes that the implementation of this Framework Decision is **not satisfactory**. The national legislation sent to the Commission contains numerous omissions. Moreover, it largely reflects existing practice prior to adoption of the Framework Decision. The aim of harmonising legislation in this field has not been achieved owing to the wide disparity in national laws. Many provisions have been implemented by way of non-binding guidelines, charters and recommendations. The Commission cannot assess whether these are adhered to in practice.

Therefore, the Commission invites Member States to consider this report and to take the opportunity to provide all further relevant information to the Commission and to the Council Secretariat, in order to fulfil their obligations under Article 18 of the Framework Decision. In addition, the Commission encourages those Member State that have indicated that they are preparing relevant legislation, to enact and submit these national measures as soon as possible.

Freedom, security and justice: standing of victims in criminal procedures. Framework Decision. Initiative Portugal

2000/0813(CNS) - 28/09/2000

The Council examined a draft framework on the protection of the victims of crime. During this examination Ministers noted that two substantive reservations remain, one relating to the conditions governing the grant of compensation in criminal proceedings, the other to constitutional issues which this proposal poses for certain delegations. The Presidency asked the Permanent Representatives Committee to continue discussions on the draft framework decision with a view to reaching a political agreement as soon as possible.

Freedom, security and justice: standing of victims in criminal procedures. Framework Decision. Initiative Portugal

2000/0813(CNS) - 20/07/2000 - Legislative proposal

PURPOSE: Portuguese initiative regarding the adoption of a Framework Decision on the standing of victims in criminal procedure. CONTENT: It was agreed at the Tampere European Council in October 1999 that minimum standards should be drawn up on the protection of the victims of crimes, in particular on crime victims' access to justice and on their right to compensation for damages, including legal costs. In addition, national programmes should be set up to finance measures, public and non-governmental, for assistance to and protection of victims. The guiding principles used in drawing up the draft Framework Decision have been to: - focus on addressing the basic issue for citizens of access to justice as regards the standing of victims in criminal procedure and related matters, as pointed out in the Commission's 14 July 1999 communication entitled 'Crime victims in the European Union: reflections on standards and action'; - take an initiative by way of a proposal for a Framework Decision as the best form suited to a subject involving per se the need for approximation of legislative and regulatory provisions; - find some initial common ground on the type of initiative, the need for it and its scope, as done from january 2000 onwards in liaison with Portugal's three successors in the Presidency, the Commission, the General Secretariat of the Council and the European Forum for Victim Support Groups. The main provisions of the Framework Decision cover: - definitions of 'victim', 'victim support group' and 'procedure'; - respect and recognition: Member States are required to ensure that victims are treated with respect for the dignity of the individual and to recognise the rights and legitimate interests of victims at all stages of procedure. Appropriate measures shall be taken for victims who are particularly vulnerable on account of their age, their sex or other circumstances; - right to provide information: the right of victims to be heard in the procedure and their right to furnish evidence must be safeguarded by Member States; - right to receive information: victims must have access to information of relevance for the protection of their interests from the outset; - communication safeguards: Member States are required to take necessary measures to prevent language difficulties, or inadequate powers of expression or comprehension, from impeding either

victims' direct or indirect understanding of important steps in the procedure or any involvement of victims in such steps, particularly through the use of appropriate interpreting and communication facilities; - right to participate in the procedure and have access to legal aid: Member States must ensure that all victims, regardless of their means, have access to legal advice, provided free of charge, if need be; - legal costs: Member States shall not require victims to pay any legal costs or shall arrange for the possibility of having such costs refunded; - right to a suitable level of protection for crime victims and their families or persons in a similar position, particularly asregards their safety and protection of their privacy, where there is a serious risk of reprisals or firm evidence of intent to intrude upon their privacy; - right to compensation under criminal procedure: Member States shall ensure that victims have the option of seeking compensation in the course of criminal procedure; - dispute settlement through mediation, where deemed appropriate; - victims resident in another Member State must be able to participate properly in the criminal procedure, being placed at a minimum of disadvantage as a result of their place of residence; - the role of specialist services and victim support groups; - training for personnel involved in the proicedure or coming into contact with victims.